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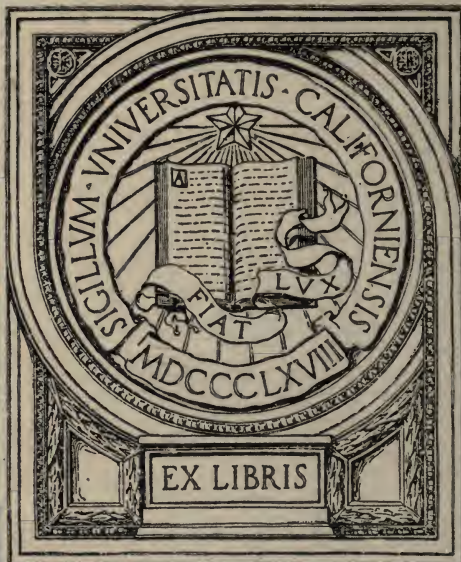


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THE
PUBLIC SCHOOL LAW

—OF—

MARYLAND

*AS CONTAINED IN THE MARYLAND CODE, PUBLIC
GENERAL LAWS, EDITION OF 1888, AND
SUBSEQUENT AMENDMENTS.*

—TO—

JANUARY SESSION, 1906.



BALTIMORE:
WILLIAM J. C. DULANY COMPANY
RIDDLEMOSER BUILDING, 13-25 W. FAYETTE STREET

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1906

PUBLISHED BY AUTHORITY
— OF —
THE STATE BOARD OF EDUCATION.

TO THE
ADMINISTRATOR

STATE BOARD OF EDUCATION.

GOVERNOR EDWIN WARFIELD, *President.*

M. BATES STEPHENS, *Secretary.*

CLAYTON PURNELL, ... *Frostburg, Md.*

JOHN G. ROGERS, ... *Ellicott City, Md.*

ZADOK P. WHARTON, ... *Stockton, Md.*

GLENN H. WORTHINGTON, ... *Frederick, Md.*

ROBERT C. COLE, ... *Baltimore City.*

RUFUS K. WOOD, ... *Sparrows Point, Md.*



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THE
PUBLIC SCHOOL LAW OF MARYLAND,

AS CONTAINED IN THE MARYLAND CODE, PUBLIC GENERAL
LAWS, EDITION OF 1888, AND SUBSEQUENT AMENDMENTS.

PASSED AT THE JANUARY SESSION, 1872, AMENDED AT THE
JANUARY SESSION, 1874, 1884, 1886, 1888, 1890, 1892, 1894, 1896, 1898,
1900, 1902, 1904 and 1906.

CONSTITUTION OF 1867.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly, at its first session after the adoption of this Constitution, shall by law establish throughout the State a thorough and efficient system of Free Public Schools, and shall provide by taxation, or otherwise, for their maintenance.

SEC. 2. The system of Public Schools, as now constituted, shall remain in force until the end of the said first session of the General Assembly, and shall then expire, except so far as adopted or continued by the General Assembly.

SEC. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of Education.

ARTICLE LXXVII.

PUBLIC EDUCATION.

1868, ch. 407; 1870, ch. 311; 1872, ch. 377.

1. There shall be throughout the State of Maryland a general system of Free Public Schools, according to the provisions of this Article.

St. Mary's Industrial School *vs.* Brown, 45 Md., 311.

CHAPTER I.—*Supervision.*

1872, ch. 377.

- State Board. 2. Educational matters affecting the State, and the general care and supervision of public education, shall be entrusted to a State Board of Education.
- County Board. 3. Educational matters affecting a county shall be under the control of a Board of County School Commissioners.
- District Board. 4. Educational matters affecting a School District shall be under the supervision of a Board of District School Trustees.

CHAPTER II.—*Formation of Boards.*

1904, ch. 584.

- Formation of State Board. 5. The Governor, by and with the advice and consent of the Senate, if in session, and without said advice and consent when not in session, shall appoint before the first Monday in May, next ensuing, six persons, at least two of whom shall be from the political party which at the last preceding election for Governor received next to the highest number of votes, said minority representation of at least two members as aforesaid to be continued thereafter, to be members of the State Board of Education, two of whom shall hold their office for a term of two years, two of whom shall hold their office for a term of four years, and two of whom shall hold their office for the term of six years, from the first Monday in May next succeeding their appointment and until their successors shall qualify. The Governor shall, at the time of making said appointment, designate the term of years of each of said members when first appointed under this Article; the term of office of said members, after the expiration of the term for which first appointed, shall be a term of six years, and to take the places of the members of said Board whose terms of office shall so expire, the Governor shall, every two years after the passage of this Act, before the first Monday in May in such years, appoint two persons as members of said Board to serve for terms of six years from the first Monday in May next succeeding

their appointment and until their successors shall qualify; said persons shall be of high character, integrity and capacity; these six members, together with the Governor and the State Superintendent of Public Education, shall constitute the State Board of Education, but principals of the State Normal Schools and of the normal department of any school or college under the control of the State Board of Education whose certificates are recognized by it shall be *ex-officio* honorary members of this Board, but with no vote. In case of a vacancy of death, resignation, disqualification or otherwise, the Governor shall fill such vacancies.

1906, ch. 353.

6. The Governor, by and with the advice and consent of the Senate, if in session, and without said advice and consent when not in session, shall appoint a Board of County School Commissioners for each county in this State, to be composed in the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery of six persons, and in each of the other counties of three persons; two of whom in the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, and one of whom in each of the other counties shall hold their office for the term of two years; two of whom in the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, and one of whom in each of the other counties shall hold their office for the term of four years; and two of whom in the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, and one of whom in each of the other counties shall hold their office for the term of six years from the first Monday of May next succeeding their appointment and until their successors shall qualify. The Governor shall at the time of making said appointments designate the term of years of each of the said Commissioners when first appointed under this section; provided, however, that all County School Commissioners heretofore appointed under this section, as amended by Chapter 79 of the Acts of 1900, shall serve out the terms for which they were respectively appointed and designated; and provided further, that at the time of making the

County school
commission-
ers.

Proviso.

appointment of the three additional School Commissioners for Montgomery county, as herein provided, the Governor shall designate the terms of years of each of the said additional Commissioners. The term of office of the said Commissioners, after the expiration of the term for which first appointed, shall be a term of six years; said persons shall be men of high character, integrity and capacity. Two of said appointees for the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery and one of said appointees for each of the other counties shall be selected and appointed by the Governor from the political party which at the last preceding election for Governor cast next to the highest number of votes in the State, so that said minority party shall always have a proper representation upon each of said Boards. The Governor may remove for incompetency, neglect of duty or misconduct any person so appointed by him as Commissioner of Public Schools after giving due notice to such person of the charges made against him and a reasonable opportunity to be heard in his own defense. In case of vacancy by death, removal from the county, removal from office by the Governor, resignation or disqualification from any cause, the Governor shall fill such vacancy with an appointee from the same political party as that of the person whose position shall have become vacated.

Removal from
office, etc.

SEC. 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved April 3, 1906.

Ash vs. McVey, 85 Md., 126.

1904, ch. 584.

District School
Trustees.

7. The Board of District School Trustees shall be composed of three persons, residents of the School District and county where said school may be located, who shall be appointed by the County School Commissioners on the first day of May, or at their first meeting thereafter, which must be held during the month of May, in each year, and who shall meet within thirty days after their appointment and enter upon the duties assigned them in Chapter 5 of this Article; at their first meeting they shall appoint a chair-

man and shall give notice of their appointment to the Secretary of the Board of County School Commissioners; when the Trustees appoint a principal teacher, and the appointment shall be confirmed by the Board of County School Commissioners, the said principal teacher shall be *ex-officio* secretary to the Board of District Trustees; District School Trustees shall take and subscribe the oath or affirmation of office prescribed by the Constitution before the County School Commissioners, County Superintendent, clerk to said County School Board, or any other officer duly authorized to administer oaths.

CHAPTER III.—*Duties of the State Board of Education.*

1872, ch. 377.

8. The State Board of Education shall hold regular meetings on the last Wednesday in May, August, November and February of every year, and special meetings as occasion may require.

Meetings.

9. The office of the State Board of Education shall be in Annapolis.

Office.

1906, ch. 356.

10. The members of the Board shall receive no salary, but their actual expenses incurred in attending the meetings and transacting the business of the Board shall be paid, and they are authorized to employ clerical assistance when necessary, and the Treasurer of the State, upon the warrant of the Comptroller, is hereby directed to pay to the president of the Board, from the general funds for public schools, for the purpose of meeting such expenses, the sum of three thousand dollars (\$3,000) per annum, in quarterly instalments.

Board to be
unsalaried.

1904, ch. 584.

11. The State Board of Education shall, to the best of their ability, cause the provisions of this Article to be carried into effect, and may, if necessary, institute legal proceedings for that purpose with the direction and advice of the Attorney-General; they shall enact by-laws for the administration of the Public School System not at variance with this Article, which when enacted and published shall have the force of law; they

Duty of the
State Board.

shall have the power to remove or suspend any County Superintendent who may be found inefficient or incompetent for the discharge of duties assigned him, or guilty of such moral delinquency as unfits him for the office he holds; they shall explain the true intent and meaning of the law, and they shall decide, without expense to the parties concerned, all controversies and disputes that arise under it, and their decision shall be final.

School Board *vs.* Wagaman, 84 Md., 162.

1872, ch. 377.

Have general
care and
supervision.

12. They shall have the general care and supervision of the Public School interests of the State; shall act as assistants and advisers of the various County Boards; and shall, from time to time, issue circular letters to teachers and commissioners on topics connected with the administration of Public Schools.

Uniformity in
reports.

13. In order to insure uniformity in the statistical reports of the Public Schools, they shall issue a uniform series of blanks for the use of teachers and of County Boards, and shall require all accounts to be kept and returns to be made according to these forms.

Examine can-
didates.

14. They shall, when requested by the Board of County School Commissioners, examine candidates for the office of County Examiner, and give a certificate of qualification.

Grant certi-
ficates.

15. They may grant to teachers of long experience and established reputation professional certificates, which shall be valid until revoked for cause.

1904, ch. 584.

Trustees ex-
officio.

16. The members of the State Board of Education shall be *ex officio* Trustees of the State Normal Schools.

To report an-
nually.

17. All schools and colleges and all normal school departments receiving State donations shall make a report on or before the fifteenth day of September in each year of such matters and in such form as the State Board of Education shall require; and said reports, or an abstract therefrom, shall be published by the President of the Board in his annual report.

1902, ch. 466.

17A. That the Governor, by and with the advice and consent of the Senate, shall appoint a competent person as Superintendent of Public Education for the State of Maryland, who shall serve for a term of four years, beginning on the first Monday in May ensuing after his appointment, and until his successor has been appointed and qualified according to law; and said person as Superintendent of Public Education shall be *ex-officio* a member of the State Board of Education; provided, that the Governor at any time may remove such person from office for misconduct or inefficiency, upon submitting his reasons for such removal in writing to such person; and provided further, that such removal be approved and ratified by two-thirds of the members of the State Board of Education.

Appointment
of Superin-
tendent of
Public Edu-
cation.

Term.

Member State
Board.

Removal.

1904, ch. 584.

17B. The Superintendent of Public Education shall receive a salary from said appropriations for Public Schools, the amount of which salary shall be fixed by the State Board of Education, provided it shall not exceed the sum of three thousand dollars per annum, in addition to an allowance of five hundred dollars per annum for traveling expenses; the said Superintendent of Public Education shall receive annually the sum of one thousand dollars, or so much thereof as may be needed, for the purchase of stationery, office fixtures and supplies; and he shall cause to be printed and distributed to the Public School teachers of the counties of the State (each year, a pamphlet for the proper observance of Arbor Day, a teacher's manual of institute work, the proceedings of the Maryland State Teachers' Association, and such other circulars and printed matter as will encourage the work of public instruction and promote its uniformity; provided, all bills for such expenditures shall be approved by the State Board of Education; and said Superintendent shall appoint a clerk, who shall also act as clerk to the State Board of Education, and who shall be paid a salary from the appropriations for Public Schools, the amount of which salary shall be fixed by the State Board of Education, provided that it shall not exceed the sum of twelve

Salary.

Pamphlets to
be printed.

Clerk.

Clerk's salary
Superintend-
ent's office.

hundred dollars; provided, further, that the office of said Board shall be the office of said Superintendent; and provided, that the clerk to the said Superintendent of Education shall not be employed as teacher or otherwise in any capacity in any of the Public or Normal Schools of this State.

Duties of
Superintendent.

17C. It shall be the duty of the Superintendent of Public Education to inform himself and the State Board of Education as to the condition of the Public Schools throughout the State; to diffuse information as to the best methods of instruction; to receive and present to the State Board of Education the reports of the various Boards of County School Commissioners; to examine said County Boards' statement of expenditures of School Funds, and submit his judgment on the same to the State Board of Education; to have authority to endorse such Normal School diplomas from other States as he may deem proper, and when so endorsed, they shall be legal certificates to teach in any elementary Public School in the State, until revoked; to arrange dates for teachers' institutes, and assist the County Superintendent in the preparation of the program of the county teachers' institute, and also attend same when in session, when possible, and give instruction; he shall devote his whole time to the duties of his office, and in every way conserve the interests and promote the efficiency of the Public Schools of the State; the State Superintendent shall also be the Secretary of the State Board of Education.

Hold Insti-
tutes.

1906, ch. 356.

Assistant
superinten-
dent of
public
education.

17D. The State Superintendent of Public Education, subject to confirmation by the State Board of Education, shall on or before the 31st day of July in each year appoint a competent person, to be known as Assistant Superintendent of Public Education, who shall serve for one year, unless removed as hereinafter provided, and who shall receive a salary of fifteen hundred dollars per annum, to be paid from the appropriations for public schools, and shall receive no additional pay for any services said Board may require; the said assistant so appointed shall act for and in the name of the Superintendent in such branches of his office and field work as shall, or may, in the discretion of said Superintendent, be committed to him, and faithfully and

efficiently perform such duties as may be required of him by either the Superintendent or the State Board of Education; and the said Assistant Superintendent shall be subject to removal by the Superintendent, with the approval of the State Board of Education, at any time for inefficiency or misconduct in office; provided, however, that the reason for such dismissal must be submitted to him in writing.

CHAPTER IV.—*Duties of the County School Commissioners.*

1904, ch. 584.

18. The Board of County School Commissioners shall meet for organization on the first Tuesday in May next succeeding their appointment, or as soon thereafter as may be, and elect a person, not a member of the Board, who shall serve as Secretary and Treasurer of the Board of County School Commissioners and County Superintendent of Public Education, and notice of such election, signed by the President of the Board, shall be transmitted to the Comptroller; the person thus elected as Secretary, Treasurer and County Superintendent, shall enter upon his duties the first day of August next ensuing his election; in counties having more than eighty-five schools the Board may, at their discretion, appoint a clerk and fix his salary; the Board shall meet at least once in every school term, and at other times, if necessary, for the transaction of business; each Commissioner shall receive as an annual salary the sum of one hundred dollars, and he shall make no further charge or charges for any services rendered.

Organization.

Meetings; Pay;
Proviso.

1872, ch. 377; 1892, ch. 538; 1900, ch. 389; 1904, ch. 584.

19. The Board of County School Commissioners are hereby declared to be a body politic and corporate by the name and style of the Board of County School Commissioners of ——— County, and by that name shall have perpetual succession, and shall be capable to sue and be sued, to use and have a common seal, and the same at their pleasure to alter or break, and to exercise all the powers and privileges hereby granted to or vested in them; and every County Superintendent

School Commissioners, a
body politic.

Who may administer oaths.

or Assistant County Superintendent shall have power to take affidavits and administer oaths in all matters pertaining to Public Schools, but without charge of fee.

1872, ch. 327.

Property transferred to

20. All the property, estate, effects, money, funds, claims and State donations, heretofore vested by law in the Public School authorities of any county, for the use and benefit of Public, Primary, Free or High Schools, are transferred to and vested in the Board of County School Commissioners and their successors in office.

1904, ch. 584.

General supervision and control.

21. The Board of County School Commissioners shall have the general supervision and control of all the schools in their respective counties; they shall build, repair and furnish school houses; they shall purchase and distribute text-books; they shall, after advising with the principal of the school to which the teacher is to be appointed, appoint all assistant teachers; they shall have authority to consolidate schools when, in their judgment, consolidation is practicable and desirable, and to arrange for any to pay charges of transporting pupils to and from such schools, and shall perform such other duties as may be necessary to secure an efficient administration of the Public School System, subject to the provisions of this Article.

Intention of this Article.

22. The State School Tax and Free School Fund are primarily intended, under this Article, to pay the salaries of the teachers of the several counties and to provide school books and stationery for the children of the State; if, however, in apportioning the said school tax among the different counties and the City of Baltimore, the share of any county should prove inadequate for the purposes aforesaid, then the County Commissioners of such county are hereby authorized, empowered, directed and required to levy and collect such a tax upon the assessable property of such county as the Board of County School Commissioners shall designate as sufficient to make good the deficiency; provided, that said tax shall not exceed fifteen cents on the hundred dollars, unless the County Commissioners shall approve and sanction an additional tax;

Contingency.

Proviso.

taxes so levied and collected shall be paid quarterly, on the day fixed for payment of the said school tax to the several counties (but the proceeds from special taxes may be paid oftener, upon the order of the Board of County School Commissioners to the Treasurer of the said Board of County School Commissioners), in order that the Schools of said counties may be kept open for the time herein set forth, and said tax shall be levied and collected as other taxes; any sums of money which may have been specially collected or levied on any election or school house district for educational purposes connected with these district, shall be collected for and applied to the purposes so intended originally, and shall be used for no other purposes; and if said funds have been used otherwise they shall be returned and applied as aforesaid.

23. In all cases where the county has not been properly divided into School Districts, and full records of the boundaries thereof have not been made and recorded, the Board of County School Commissioners shall appoint a committee if, in their opinion, they deem it necessary, consisting of three persons of intelligence and sound judgment, who shall divide the county and suitable School Districts, and define and describe the boundaries of each; provided, that no School District shall contain a greater area than four miles square, unless a part of it be located in a thinly settled region. In the formation of the School Districts the committee shall take into consideration the most suitable site for the school house, the general features of the country, and shall make each School District of such size and form as will best accommodate the population within its bounds. The committee shall make an accurate description of the bounds of the School Districts, accompanied by a plat and shall report the same to the Board of County School Commissioners, who shall thereupon give notice in all the newspapers of the county at what time they will meet to hear applications for a change of boundaries, which applications shall be made in writing and within two months from the date of the first publication of such notice. When the applications shall have been made and considered, the Board

Appoint committee to divide.

Proviso.

To make accurate description of districts.

May change boundaries.

of County School Commissioners may then change the boundaries of School Districts, and revise the description; or they may, without application, make such changes as may be deemed important, or they may ratify and confirm the report of the committee. The description of the boundaries of School Districts shall be recorded in a book, kept for that purpose, by the Secretary of the Board of County School Commissioners. In those counties where no newspaper is published, the notice of application for a change of boundaries shall be published in such a manner as the Board of County School Commissioners may decide. Whenever it may be necessary, the Board of County School Commissioners shall employ a surveyor to aid the committee in the performance of such duty, and they shall allow the surveyor such compensation for his services as may be just and proper, and the committee shall receive no compensation whatever for their services. The cost of dividing the county shall be paid by the County School Commissioners out of the School Fund of the county. If a county has already been divided into School Districts, and it may be necessary to revise the same, the Board of County School Commissioners shall have full power to make such revision or alterations as may be necessary to accommodate the population and increase the efficiency of the schools. A full description of such changes and alterations shall also be made and recorded as aforesaid.

1904, ch. 584.

Make annual report.

Publish statement of receipts and disbursements.

24. The Board of County School Commissioners shall, on or before the first day of September in every year, make a report to the State Board of Education, in such form as may be presented by the latter, of the schools and all matters affecting the educational interests of the county; they shall also publish annually, in the month of November, in such form and manner as they may deem proper, a statement of their receipts and disbursements, including the money received and expended on account of text-books, and a statement of the indebtedness of the Board at the close of the fiscal year, and the items of expense of the individual

schools, and forward a copy to the State Board of Education.

1872, ch. 377; 1886, ch. 293; 1888, ch. 58; 1890, ch. 268;
1892, ch. 341.

25. In case of the death of any County School Commissioner, or his resignation or removal from the county, or disqualification from any legal cause, during the recess of the General Assembly, the Governor shall have power to appoint a qualified person to fill the vacancy for the unexpired term. In case of inefficiency, refusal to act, or breach of trust, the Board may, by vote of a majority of its members, declare the office vacant, and give notice to the party concerned. An appeal may be taken to the State Board of Education, whose decision shall be final, but if no appeal be taken within ten days, the vacancy shall be filled as hereinbefore provided.

Vacancies:
how filled.

Declare vacant.

Ash vs. McVey, 85 Md., 126.

26. No teacher, in actual employment as such, shall fill the position of County School Commissioner.

Teachers not to
be commis-
sioners.

CHAPTER V.—*Duties of District School Trustees.*

1904, ch. 584.

27. The Board of District School Trustees shall have the care of houses and lands connected therewith intended for school purposes; also furniture, apparatus and other school property; they shall attend to all repairs and charge the cost among the incidental expenses of the school, to be paid out the tax levied upon the assessable property of the county as herein provided for; provided, that when repairs are to be paid out of county school taxes, the amount to be expended for said school repairs shall be determined by the Board of County School Commissioners before the repairs are made; the Board shall employ a principal teacher, subject to confirmation by the Board of County School Commissioners, from among those persons who hold the certificate required by this Article; they shall exercise a general supervision over their respective schools, and visit them frequently, and shall cause instruction to be given for ten months in the year, if possible.

Duties of Board
of District
School Trust-
tees.

Proviso.

1872, ch. 377.

Outbuildings. 28. The Board of District School Trustees shall see that every school house site is provided with suitable outbuildings.

Not to be used for other purposes. 29. No school house shall be used for any other purpose than Public School purposes and School District meetings, unless by the consent of the Board of County School Commissioners, or a majority of them.

Contiguous portions of districts may combine. 30. Contiguous portions of two or more school house districts may, with the consent of the Board of County School Commissioners, combine and form a new school house district; and when thus formed the said new school house district shall be invested with all the rights and powers hereinbefore set forth as pertaining to such districts; provided, that the new school house district thus formed, or said district from which it may be formed, shall not contain less than thirty-five legal resident voters.

Proviso.

1874, ch. 463.

Neglect or refusal to act. 31. In case of neglect of duty, or refusal to act, on the part of the members of the Board of Trustees, their places shall be declared vacant by the Board of County School Commissioners, who shall fill the same

ARTICLE XXVII.—*Crimes and Punishments.*

Commissioners to provide water closets. 147B. Boards of School Commissioners in every city and county of the State shall provide suitable and convenient water closets or out-houses for each of the schools under their official jurisdiction, not less than two for each school or building, when both sexes are in attendance, in their respective school districts, with separate means of access for each; and unless placed at a remote distance, one from the other, the approaches or walks thereto shall be separated by a substantial close fence, not less than seven feet high; and it shall be the duty of the said Commissioners to make provisions for keeping the said water closets or out-houses in clean, comfortable, and healthful condition.

Penalty. 147C. Any failure on the part of said Public School Commissioners to comply with the provisions of this Act shall make them liable to be removed from office by any Court of competent jurisdiction, either in the City of Baltimore or in any county where the schools may be located, upon complaint made to the Court, under oath or affirmation of not less than five taxable citizens residents in the said school district in which the school complained of is located; provided, nothing in this Act shall affect the counties of Caroline, Kent, Dorchester, Somerset, Baltimore, Worcester, Howard, Prince George's and Frederick.

Proviso.

by new appointment, but if it be found impossible to secure competent persons who will act in this capacity, then the duties of the Board of District School Trustees for the particular district shall devolve upon the Board of County School Commissioners.

CHAPTER VI.—*School Houses and Sites.*

1872, ch. 377.

32. It shall be the duty of the Board of County School Commissioners to select a suitable school house site in each district whenever the necessities of the Public School demand a change of site or sites already built upon, or a new school house site to be built.

Select site for school houses.

1870, ch. 311; 1872, ch. 377, sub-ch. 6, sec. 2; 1874, ch. 463.

33. The Board of County School Commissioners may receive donations for such sites or locations for school houses, or of house already built adapted to school purposes, or suitably located, or may purchase the same; but in no case shall any site be built upon or any house be occupied until a good and sufficient title shall have been obtained for the same in the corporate name of the Board of County School Commissioners. In cases, however, where the property owned by the Board of County School Commissioners in any School District proves unsuited for school purposes, the Board is authorized to sell or lease the same, and to appropriate the amount obtained by such sale or lease to the purchase or lease of a proper school house at a suitable location for the said district.

Receive donations of sites, purchase, sell, and lease.

1872, ch. 377.

34. When the lands shall be required for the site of a school house, or for enlarging a school house lot, and the Board of County School Commissioners shall from any cause be unable to contract with the owner thereof, the Board of County School Commissioners may apply for a writ of *ad quod damnum* to the Clerk of the Circuit Court for the county, who shall forthwith issue the same, and the Sheriff shall execute the said writ and return an inquisition describing the land and stating the amount of damages to be paid to the owner;

Unable to contract for land required.

and the Judge of the Circuit Court for the county may, at any time after the return of the inquisition, in term or during recess, hear a motion to confirm such inquisition, on such notice to the parties as he may direct, and confirm or quash the same; and if he quashes the inquisition, he shall order a new one forthwith to be taken; but no lot so taken or enlarged shall exceed, in the whole, one acre, including the land occupied by the school building.

To make inquisition.

The cost: how paid.

35. In all case when school house sites are thus purchased or condemned the cost thereof shall be paid as other school house property is paid for.

How built and furnished.

36. Every school house shall be built and furnished according to plans and drawings issued from the office of the County School Commissioners.

CHAPTER VII.—*Schools.*

1872, ch. 377.

Designation.

37. The schools under the charge of the Board of County School Commissioners for each county shall respectively be designated School No. 1, 2, 3, and so forth, of their respective election districts.

Time shall be kept open.

38. In every school house district in each county, established as hereinafter provided, there shall be kept for ten months in each year, if possible, one or more schools, according to population, which shall be free to all white youths over six and under twenty-one years of age.

1904, ch. 584.

Branches to be taught.

39. In every District School there shall be taught orthography, reading, writing, subjects for language training, English grammar, geography, arithmetic, history of the United States, good behavior, the Constitution of the United States, Constitution and history of Maryland, vocal music, drawing, physiology, laws of health and domestic economy, civil government; and the elements of agricultural science may, in the discretion of the State Board of Education, be added to the branches required to be taught in the State Normal School and in the Public Schools of the various counties of the State.

40. The nature of alcoholic drinks and narcotics, with special instruction as to their effects upon the human system, in connection with the several divisions of the subjects of physiology and hygiene, shall be included in the branches of study taught in the Common Schools, and shall be taught to and studied by all pupils whose capacity will admit of it, in all departments of the Public Schools of the State, and in all educational institutions supported wholly or in part by money from the State; and said study shall be taught to and studied by pupils in said schools as thoroughly and in the same manner as other like branches are there taught and studied, with text-books in hands of pupils, where other like branches are thus studied.

Stimulants and narcotics.

1872, ch. 377.

41. It shall be the duty of Boards of County School Commissioners, and of the Board of Commissioners of Public Schools of Baltimore City, County Superintendents, Superintendents of Public Schools of Baltimore City, and Boards of all educational institutions receiving aid from the State to enforce the provisions of the preceding section.

Duty to enforce

1904, ch. 584.

42. Whenever a school numbers more than forty children in the average attendance, an assistant may be employed by the Board of County School Commissioners, in their discretion; and for every additional forty children, one teacher may be appointed.

Assistant may be employed.

43. Whenever the average attendance in any school for any two consecutive terms is less than ten pupils, the said school may be closed by the Board of County School Commissioners; provided that the Board of District School Trustees may keep the school open in part at the expense of the district, and shall receive their proportion of the School Fund for said school, rating a full school at twenty scholars.

May close schools.

1872, ch. 377.

44. Public examinations shall be held in each school twice a year, of which due notice shall be given, that parents and others interested in education may attend.

Examinations.

Hours for teaching.

45. Schools shall be kept open each week day, except Saturday, for six hours; and the hours for teaching shall be regulated by the several Boards of County School Commissioners.

Penalty for disturbing.

46. Any person who shall disturb any Public School in session shall, upon conviction thereof before a Justice of the Peace, be deemed guilty of a misdemeanor, and shall forfeit and pay twenty dollars, to be collected as other fines, to be paid to the Board of District School Trustees for the benefit of the school house district; or said offender shall be imprisoned not exceeding thirty days, or both, in the discretion of the Justice of the Peace.

1904, ch. 584.

Terms.

47. The school year shall be divided into four terms, which shall be designated Fall Term, Winter Term, Spring Term and Summer Term; and the time of beginning and closing each term shall be regulated by the Board of County School Commissioners; provided, that the financial reports of the schools of the State shall be made up and rendered to the thirty-first day of July, inclusive, of each and every year; and provided, further, that there be no change in or encroachment upon the holidays and vacations set forth and established in the following paragraph:

Proviso.**Holidays.**

The months of July and August shall be vacation throughout the whole State, and the following days shall be holidays, viz.: Thanksgiving Day, from Christmas Eve to the first day of January, inclusive, and from the Friday before Easter to the Monday after Easter, inclusive; on Washington's Birthday the schools shall devote a portion of the day to exercises bearing on the life and services of "The Father of Our Country;" Maryland Day shall be observed at such a time and in such manner as the State Board of Education may direct.

Fraction of a term.

In case it may be necessary to open school for a fraction of a term, it shall close at the end of the term, and all accounts shall be settled at the meeting of the Board of County School Commissioners, held at the end of the term.

CHAPTER VIII.—*Teachers.*

1904, ch. 584.

48. No person shall be employed as a teacher under this Article unless such person shall hold a certificate of qualification (a) issued by the Superintendent of the county in which he or she proposes to teach; (b) a certificate from a principal of a State Normal School of Maryland, or of the principal of the Normal Department of Washington College; (c) a diploma of a State Normal School of Maryland, or of the principal of the Normal Department of Washington College; (d) a Normal School diploma of another State endorsed by the State Superintendent of Public Education, or a diploma from the Normal Department of a school or college of this State, recognized as such by the State Board of Education; or (e) a certificate from the State Board of Education, as herein provided.

Qualifications
of teachers.

49. Principal teachers shall be appointed by the Board of District School Trustees, subject to confirmation by the Board of County School Commissioners; and said teachers may be removed at any time said Board of District School Trustees may think proper, after thirty days' notice in writing; provided, further, that the said Board of District School Trustees shall furnish, in writing, when required by the teacher so notified, the reasons for dismissal; provided, further, that the right of appeal shall lie to the Board of County School Commissioners, whose action in confirming or rejecting the action of the District Trustees shall be final.

Removal of
teachers.

Right of appeal

1870, ch. 311; 1872, ch. 377, sub-ch. 8, sec. 3, 1874, ch. 463.

50. Teachers shall enter into their quarterly reports an accurate account of the attendance of pupils, of text-books used and branches taught, and such other statistics as may be required, and make due returns thereof to the Board of County School Commissioners at the end of each term; and no teacher shall be entitled to receive payment for services until the quarterly report, properly filled up and completed, shall be so returned. The quarterly reports shall be filed by the Board of County School Commissioners for the

Teachers quar-
terly reports

purpose of making the annual returns to the State Board of Education.

School Com. vs. Adams, 43 Md., 349.

1872, ch. 377.

May examine
charges pre-
ferred.

51. The Board of County School Commissioners shall examine any charge preferred against the moral character of any teacher within their county; they shall give the teacher reasonable notice of the charge in writing, and an opportunity to defend himself; and if the charge be sustained, they shall annul the teacher's certificate, and shall give notice thereof to the State Board of Education; provided, that an appeal shall lie to the State Board of Education, whose decision shall be final.

Proviso.

1904, ch. 584.

Certificates.

52. Any person holding a first-class teachers' certificate, or a diploma of a respectable college, or of a State Normal School, who has been a teacher for seven years, of which five shall have been spent in the State of Maryland, may apply to the State Board of Education for a Life Certificate, which, if granted, shall exempt him or her from any further examinations; said certificate may be annulled by said Board at any time on account of immoral or unprofessional conduct.

Salaries.

53. The salaries of the teachers of each county shall be fixed by the Board of County School Commissioners; provided, that no white teacher regularly employed in a Public School of the State of Maryland, having an average attendance of fifteen pupils or more, shall receive as a salary less than three hundred dollars per school year.

1906, ch. 473½.

AN ACT to repeal and re-enact with amendments Section 58 of Article 77 of the Code of Public General Laws of Maryland of 1904, title "Public Education."

Teachers' retir-
ing list.

Section 58. Whenever any person in this State has taught in any of the public or normal schools thereof twenty-five years, and has reached the age of sixty

years, and his or her record as such teacher has been without reproach, and by reason of physical or mental disability or infirmity is unable to teach longer, and who, moreover, is without the means of comfortable support, the said teacher may lay his or her case before the State Board of Education, supported in all cases by the recommendation of the board of county school commissioners of the county in which said teacher has last taught, and the said Board shall proceed to consider the same, and if the facts are found as above stated, the said teacher shall be placed on a list, a record of which shall be kept by the said board, to be known as the "Teachers' Retired List," and the names upon the "Teachers' Retired List" shall be, on or before the first day of October of each and every year, certified to by said board to the Comptroller of the Treasury of this State; and every person so placed upon said retired list shall be entitled to receive a pension from the State of two hundred dollars per annum, to be paid quarterly by the Treasurer of this State, upon the warrant of the Comptroller, so long as the said pensioner is without other means of comfortable support; that the sum of twenty-five thousand dollars per annum, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to carry into effect the provisions of this Act.

Appropriation..

1906, ch. 437.

AN ACT regulating the qualifications of and salaries of certain school teachers of the White Public Schools of Montgomery County, Maryland.

SECTION I. *Be it enacted by the General Assembly of Maryland,* That the salaries of principal teachers of the white public schools of Montgomery county, in schools where the corps of teachers consist of a principal teacher and one regularly appointed teacher, subordinate to the principal teacher, shall be five hundred dollars (\$500.00) for a school year, and in schools where the corps of teachers consist of a principal teacher and more than one regularly appointed teacher, subordinate to the principal teacher, the salary of such principal teacher shall be as many hundred dollars in excess of

Salaries of
principal
teachers..

five hundred dollars per school year as there are additional regularly appointed subordinate teachers in excess of one; the salaries named may, in the discretion of the County School Commissioners be increased, but the percentage of increase shall be the same as to all principal teachers of schools having a principal teacher and one or more teachers subordinate to said principal teacher; and in the event there shall be a deficiency in any year in the revenues of the said County School Commissioners, the salaries of all teachers in said county may, in the discretion of the said County School Commissioners, be reduced during the period of such deficiency of revenue, and the said reduction shall be in direct proportion to the salaries received by each teacher.

Who are called
principal
teachers.

SEC. 2. For the purposes of this Act the principal teacher of a high school, the vice-principal teacher of a high school and the principal teacher of a grammar school connected with a high school shall be accounted a "principal teacher," but the grammar school principal teacher and all assistant teachers of the grammar school connected with the high school, as well as all assistant teachers, if any, of the high school, shall be accounted as teachers subordinate to the vice-principal teacher of the high school; and all the said assistant teachers, the grammar school principal teacher, if any, and the said vice-principal teacher, shall be accounted as teachers subordinate to the high school principal teacher.

Not to be in-
cluded.

SEC. 3. For the purposes of this Act manual training teachers and teachers of similar courses shall not be included among the "teachers subordinate to the principal teacher," unless they teach in one school only and are as directly under the control and supervision of the principal teacher of the school as are the assistant teachers of the regular graded courses.

Salary may be
increased or
decreased.

SEC. 4. When during a school year it shall become necessary to regularly appoint one or more additional teachers to the corps of teachers of a school, or to decrease the number of teachers assigned to a school, the salary of the principal teacher or principal teachers connected with the school shall be correspondingly increased or decreased in accordance with this Act.

SEC. 5. This Act shall become operative and take effect for the school year of 1906-1907 and succeeding school years.

1906, ch. 236.

AN ACT to amend Article 77 of the Code of Public General Laws, title "Public Education," by repealing and re-enacting Chapter 299 of the laws of 1904, which added to said Article, Sections 139, 140 and 141, under the sub-title "School Attendance," and by adding a new section to be numbered as Section 142.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Sections 139, 140; 141, of Article 77 of the Code of Public General Laws, title "Public Education," under the sub-title "School Attendance," are hereby repealed and re-enacted as follows, and that a new section be added to follow Section 141, to be numbered and designated as Section 142.

Repeal and re-enact.

139. Every deaf or blind child between six and sixteen years of age shall attend some school for the deaf or blind for eight months, or during the scholastic year, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during the said period, in studies usually taught in the said public schools to children of the same age; provided, that the superintendent or principal of any school for the deaf or blind, or person or persons duly authorized by such superintendent or principal, may excuse cases of necessary absence among its enrolled pupils; and provided, further, that the provisions of this section shall not apply to a child whose physical condition is such as to render its instruction, as above described, inexpedient or impracticable. Every person having under his or her control a child between six and sixteen years of age shall cause such child to attend school or receive instruction as required by this section.

Compulsory education of deaf children.

139A. Provided that where the parent, guardian or any other person having control of a deaf or blind child, is not financially able to pay for the transportation of the child to and from such school, the same shall be paid out of the State appropriation for the school which the child attends; provided, that three reputable

Transportation of children.

male citizens over the age of twenty-one years, residents of the school district in which the said child resides, shall certify under oath that to the best of their knowledge and belief the parent, guardian or other person having control of such child is not financially able to pay the expense of the child to and from school.

Guilty of misdemeanor.

140. Any person who has such a child under his or her control, and who fails to comply with any of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before a justice of the peace, be fined a sum not exceeding five dollars for each offence.

Guilty of misdemeanor

141. Any person who induces or attempts to induce any deaf or blind child to absent himself or herself unlawfully from school, or employs or harbors any such child absent unlawfully from school, while said school is in session, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before a justice of the peace, be fined a sum not exceeding fifty dollars for each offence.

Names of children between six and sixteen years who do not attend school to be furnished proper authorities.

142. The principal teacher of every public school in the counties and the truant officers of the City of Baltimore shall, within thirty days from the beginning of the school year succeeding the passage of this Act, furnish the Board of County School Commissioners or the Board of Education of Baltimore City, as the case may be, with the names of all children who are deaf, blind or feeble minded, between the ages of six and sixteen years, inclusive, living within the boundaries of his or her school district who do not attend school. And the Board of County School Commissioners or Board of Education of Baltimore City shall certify forthwith the names of all such deaf, blind or feeble minded children to the respective principals of the State schools for such children.

SEC. 2. *And be it enacted*, That this Act shall take effect from the date of its passage.

1906, ch. 287.

AN ACT to authorize and direct the Board of School Commissioners of Prince George's County to pay Luella R. Palhemus an amount of money equal to teacher's salary for the time she taught Public School No. 3, District No. 5, of said county.

WHEREAS, Luella R. Palhemus, under an appointment of the board of district school trustees for Public School No. 3, of District No. 5, of Prince George's county, took charge of said school on October the 10th, A. D. 1904, and taught therein until January the 17th, A. D. 1905, and again took charge of said school at the beginning of the scholastic year in September, 1905, and taught therein until February 17th, A. D. 1906, when she relinquished said school in accordance with the decision of the Court of Appeals of Maryland in the case of Robert Lee Manning, Thomas M. Underwood and Clinton Johnson vs. the Board of County School Commissioners of Prince George's county *et al.*, January term, 1906; and

Preamble.

Case of
Luella R.
Palhemus.

WHEREAS, Said appointment of said Luella R. Palhemus was made under supposed authority of law, the error of which was not and could not be known until said decision of the Court of Appeals, and under such circumstances it is just that said Palhemus be paid for her services rendered as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Board of County School Commissioners of Prince George's county be and it is hereby authorized and directed to pay to Luella R. Palhemus an amount of money equal to what would be her salary as teacher of Public School No. 3, District No. 5, of said county, as per her report as such teacher, less any money already paid to her on account thereof.

Sum of money
to be paid.

SEC. 2. *And be it enacted,* That this Act shall take effect from the date of its passage.

Approved April 2, 1906.

COURT OF APPEALS OF MARYLAND.

*January Term, 1906.*THOMAS M. UNDERWOOD, *et al.*,*vs.*THE BOARD OF COUNTY SCHOOL COMMISSIONERS OF PRINCE
GEORGE'S COUNTY, *et al.*

ELLA M. QUEEN NALLEY

*vs.*THOMAS M. UNDERWOOD, *et. al.**Judge Boyd delivered the opinion of the Court.*

The appellants, as taxpayers of Prince George's County, filed a bill in equity against the Board of County School Commissioners of that county, the Secretary and Treasurer of the Board and Mrs. Nalley, to enjoin the Board and the Secretary and Treasurer from paying Mrs. Nalley any salary as principal teacher of a public school in that county, from October 10, 1904, to January 10, 1905, and from January 18, to February 1, 1905, and to enjoin Mrs. Nalley from receiving the same. The Court granted a preliminary injunction and the Board and Mrs. Nalley each filed a demurrer to the bill. The demurrers were overruled, but in the same order the injunction was modified and rescinded in so far as it restrained and forbade the Board and the Secretary and Treasurer from paying any salary to Mrs. Nalley from January 18, 1905, to February 1, 1905. From the order modifying and rescinding the injunction, as stated above, this appeal was taken by the plaintiffs, and from the order overruling the demurrer an appeal has since been taken by Mrs. Nalley.

The bill alleges that Messrs. Underwood and Johnson, two of the appellants, and Leroy C. Towles were appointed trustees of that school in May, 1900, and were reappointed for the years 1901 and 1902; that the three complainants were appointed trustees in May, 1903, and again in May, 1904. The bill states that the trustees did not take any oath of office after May, 1900, but they organized and continued in discharge of their duties as trustees. In August, 1900, the trustees appointed Ella M. Queen principal of said school, and her appointment was duly confirmed by the commissioners. A "Teacher's Appointment Blank" is made part of the bill, and it is alleged that such form was used and properly executed. It contains a provision that "This contract is to continue from term to term, and from year to year, subject to revocation at any time by either of the parties thereto, giving the other 30 days' notice, in writing, to that effect, of which revocation due written notice must also be given to

the County School Board." That contract was made prior to the change in the statute hereinafter referred to. Miss Queen continued as such teacher from year to year, and entered upon the discharge of her duties for the scholastic year 1903-1904, and while so acting, to-wit: On the 23d of December, 1903, sent a letter to each of the three trustees telling them she was to be married on the 26th of that month, and on that date did marry Henry Nalley. In her letter to the trustees she said "I will continue to teach until the end of this scholastic year, June 15, 1904." On June 9th, 1904, she wrote to each of the trustees, "If satisfactory to you, I will teach at this school another scholastic year. I have written my intention to each trustee. I trust my act meets your approval." On August 13, 1904, the trustees notified her in writing that her "resignation was accepted," and on the same day appointed Luella R. Palhemus principal of the school. Mrs. Nalley appealed to the County Board, and it passed an order that "the Board does not consider that she had resigned her school and consequently the appointment of a new teacher cannot be confirmed." The trustees then, acting for themselves and also upon the advice of two of the commissioners, undertook to remove Mrs. Nalley by a written notice, which she received on or before September 9th, which said: "You are hereby notified that your services as teacher of the aforesaid school will not be required after the tenth of October, 1904. Said day being no less than thirty days from present date." She then required them to furnish her with the reasons for her removal, and on September 10th they wrote to her: "We, the undersigned trustees of above named school, believe it for the best interest of the school that we notify you that your services as teacher of the aforesaid school will not be required after the tenth day of October, 1904."

She appealed to the County Board, and on September 29, 1904, it passed an order that the trustees be sustained and another order that the appointment of Miss Palhemus be confirmed. Mrs. Nalley then assumed charge of the school from the beginning of the scholastic year until October 10th, inclusive, when she relinquished it and it was taken charge of by Miss Palhemus. Mrs. Nalley, in the presence of the district school trustees, entered an appeal to the State Board of Education and the County Board forwarded to the State Board copies of the two letters sent to Mrs. Nalley by the trustees. The State Board without notice to the trustees, or Miss Palhemus, of a hearing, passed a resolution, as follows: "Resolved, That the words 'We, the undersigned trustees, of above named school, believe it for the best interest of the school, does not constitute reasons as provided for by Section 49 of Article 77 of the Code, and that the alleged notice was not in conformity with law." That was sent to the County Board by the State Board, and on January 3 the County Board ordered that in view of the action of the State Board the question be referred back to the trustees for a more specific reason for removal, and fixed January 17th for a hearing. On that date the County Board passed an order that in view of the decision of the State Board, no further reason

for the removal having been submitted by the trustees, the former action of the trustees in removing Mrs. Nalley and appointing Miss Palhemus "be and the same is hereby rescinded and Mrs. Nalley is recognized as the teacher of said school."

The bill then alleges that Mrs. Nalley forcibly took possession of the school on January 18th, against the protest of Miss Palhemus, and had retained possession up to the time the bill was filed, which was January 31st, 1905. Miss Palhemus notified the County Board of Mrs. Nalley's action, stated her readiness to perform the duties and said she would take legal measures to recover the amounts due her.

The appellants contend that they are entitled to relief because:

1. The letter of Mrs. Nalley of December 23, 1903, was a resignation; that said resignation was duly accepted by the trustees, and she was never afterwards appointed or recognized by them.

2. That if that be not correct, she ceased to be the teacher after October 10, 1904, and that Miss Palhemus became the principal on October 11th, and they claim that the action of the State Board and that of the County Board subsequent thereto were beyond their powers.

First—It seems perfectly clear to us that the letter of December 23d, 1903, was not a resignation. It only said "I will continue to teach until the end of this scholastic year, June 15, 1904." It was very proper to give notice to the trustees, not only of her contemplated marriage, but of her intention to continue teaching until the end of the year, as otherwise they might have been in doubt on that subject. But before any action was taken on what the trustees treated as a resignation, she wrote the letter of June 9, which should have removed any question about it. The County Board, by its order of August 23, expressly said that it did not consider that Mrs. Nalley had resigned and refused to confirm the new appointment. So there can be no question that Miss Palhemus acquired no rights by reason of the supposed resignation of Mrs. Nalley, as principal teachers appointed by the trustees must be confirmed. Sec. 53 of Art. 77 of Code of 1904, *School Board vs. Wagaman*, 84 Md., 151.

Second was the notice of the trustees of September 8th, in connection with their letter of September 10th, 1904, sufficient to remove Mrs. Nalley on October 10th? Sec. 53 of Art. 77 provides that "Said teachers may be removed at any time said board of district school trustees may think proper, after thirty days' notice in writing; provided, further, that the said board of district school trustees shall furnish, in writing, when required by the teacher so notified, *the reasons for dismissal*." This section in the Code of 1888 provided that the teacher "may be removed at any time said board may think proper, after thirty days' notice to the teacher in writing." Chapter 460 of the Acts of 1902 amended it in the terms used in the present Code, excepting the word "requested" was

used instead of "required." The first part of the section in the Code of 1888 and in the Act of 1902 provided that "*Teachers* shall be appointed by the Board," etc., and the Act of 1904, Chapter 584, changed that to "*Principal teachers*," etc., and we suppose that was the reason for passing the Act of 1904. It will be observed therefore that the Acts of 1902 and 1904 made a material change in the law, and it cannot be doubted that it was a wise one, for if trustees could remove a teacher without furnishing reasons for the dismissal, it might seriously, and very injuriously, affect a perfectly competent teacher. Unless the reasons are given, the public may think it was because the teacher was incompetent, or possibly it might affect the standing of such teacher in other respects. Therefore when the Legislature made this change in the law it meant something, and could not be complied with by such a reply as was given by these trustees—we "believe it for the best interest of the school." That might be because the teacher was incompetent, not sufficiently educated, bad tempered, unhealthy, of questionable character, of some political or religious faith not satisfactory to the trustees, or for one or more of many reasons that might be suggested. Mrs. Nalley acted promptly in calling for reasons, and the County Board ought to then have required them to be given. The letter of September 10th furnished none, other than might have been read into the notice of September 8th, for if the trustees had a proper conception of their duties it would be presumed that they believed it was for the best interest of the school that she be notified, else they would not have done it—but *why* they did so believe, this statute required them to disclose, when called upon by the teacher.

But it is contended by the appellants that on the appeal to the County Board it sustained the trustees, and that under Section 53 it "action in confirming or rejecting the action of the district trustees shall be final." It is difficult to see how the appellants can consistently contend that the County Board could not reverse its former action, for the only appointment of Miss Palhemus that was ever made was the one of August 13, 1904, which the County Board on appeal rejected on August 23d. If, therefore, the County Board could on September 29th confirm an appointment it had rejected on August 23d, on the ground that there was then no vacancy, surely it could rescind a previous order which had worked manifest injustice, and which, upon further reflection, would be seen by the Board to have been erroneous. There was no vacancy on September 29th. The trustees had notified Mrs. Nalley that her services would not be required *after October 10th*. Under the statute they could not remove her until *after* thirty days' notice in writing. If they ever did remove her *after* thirty days from September 8th, when the notice was dated, the bill does not say so, and yet the County Board firmed Miss Palhemus twelve days before the notice had expired. It cannot be doubted that the trustees could have withdrawn the notice at any time before the 10th of October. But the statement in the statute that the action of the County Board shall be final manifestly only meant that it was final so far as

the trustees were concerned, and did not intend that the powers vested in the State Board should be interfered with.

There can be no doubt that the State Board had power to *advise the* County Board, and that it was the duty of the latter to follow the advice of the State Board on the subject. By Section 11 of Article 77 it is provided that "The State Board of Education shall, to the best of their ability, cause the provisions of this Article to be carried into effect * * * they shall explain the true intent and meaning of the law, and they shall decide without expense to the parties concerned all controversies and disputes that arise under it, and *their decision shall be final.*" Again, Section 12 provides that "They shall have the general care and supervision of the public school interests of the State; shall act as assistants and advisers of the various county boards; and shall from time to time issue circular letters to teachers and commissioners on topics connected with the administration of public schools." So regardless of the question whether there was, technically speaking, an appeal from the action of the County Board in this matter, it forwarded to the State Board copies of the letters of the trustees to Mrs. Nalley, which was all that was necessary for them to have to determine that question, and the State Board by its resolution explained "the true intent and meaning of the law," and advised the County Board of its action, which, in our opinion, was unquestionably correct.

Nor have we any doubt about the right of the Legislature to confer such powers on the State Board. The visitatorial powers of that Board are referred to at some length in *Wiley vs. School Commissioners*, 51 Md., 401. In *Shober vs. Cochran*, 53 Md., 544, which was a contest between them for the office of Secretary, Treasurer and Examiner of the Board of School Commissioners, the validity of the statute vesting such powers in the State Board was vigorously assailed, but fully sustained by Judges Alvey and Motter below, and by this Court on appeal. If two contestants for such an office as that were bound by the decision of the State Board, surely it has the power to determine which of two persons shall be recognized as a teacher of a school. And it is right that such controversies should be settled by some tribunal connected with the public school system. When one applies for the position of a teacher in a public school he makes himself subject to the laws governing them. This case illustrates the importance of keeping such questions out of the Courts. It must have been very injurious to this school to have such a controversy and great confusion was caused by the conflicting actions of the trustees and the County Board. It is well, therefore, that there is a tribunal having jurisdiction over the State to settle such controversies and to guide the county boards in the discharge of their duties. Of course, there may be occasions when it is proper and necessary to apply to the courts, as in *Duer vs. Dashiell*, 91 Md., 660, where a purely legal question was involved, and it may sometimes be necessary to have the process of a court to enforce a decision of the State Board of Education. If Shober had retained possession of the office after the State Board had decided in favor of Cochran, and

the latter had applied for a mandamus, his right to such writ would have been altogether different from that of Shober, who applied for it after the State Board had decided against him.

What we have already said disposes of the question whether Miss Palhemus became principal on October 11th, and it will be unnecessary to further discuss the appeal by the plaintiffs, as we think they have no reason to complain of the court's action.

After the present (January) Term began an appeal by Mrs. Nalley from the order overruling the demurrer was brought to this Court, and the attorneys for the parties have filed an agreement that the two appeals be heard together, and requested us to do so. Under the circumstances, we thought it proper to grant the request, in order that the controversy might be brought to an end.

From what we have already said, it will appear that we are of opinion that the trustees could not properly terminate Mrs. Nalley's employment by the letters of September 8th and September 10th, 1904, and that by the action of the State Board, and the subsequent action of the County Board, she was continued as the principal teacher of this school. It was not her fault that she relinquished the school from October 10th until January 18th. She took steps at once to have the action of September 29th corrected, and does not appear to have been responsible for any delays. If, therefore, she held herself in readiness to teach, and was unable to obtain other employment during that period, she should not be deprived of the compensation she was entitled to, merely because the County Board paid or agreed to pay Miss Palhemus, who was not legally selected as teacher of this school. It would, therefore, be inequitable to enjoin the County Board from paying Mrs. Nalley, and her from receiving payment, for the period spoken of. She and the County Board should, if possible, adjust the salary for that time, on some proper and equitable basis, but the injunction should not be continued against her, and the demurrer to the bill should have been sustained, and the bill dismissed. In view of the conclusions we have reached on the main questions, it is not necessary to determine the effect of the trustees not taking the oath, but will only add that Section 7 of Article 77 expressly requires them to do so, and the county boards should see that they comply with the provisions of the law before entering upon their duties. As the County Board was also in fault, we will direct the costs to be paid by the appellants in No. 65 (Office Docket) and the County Board.

Order affirmed in part and reversed in part, and bill dismissed—one-half of the costs to be paid by the appellants in No. 65 (Office Docket) and the other half by the Board of County School Commissioners of Prince George's County.

Filed February 15th, 1906.

Test: THOMAS PARRAN,

Clerk of the Court of Appeals of Maryland.

True Copy.

CHAPTER IX.—*Pupils.*

1872, ch. 377.

Adult pupils.

54. All white youths between the ages of six and twenty-one years shall be admitted into the Public Schools of the State, the studies of which they may be able to pursue; provided, that whenever there are grade schools, the teachers and Board of District School Trustees shall determine to which school pupils shall be admitted.

Suspend pupils.

55. The Board of District School Trustees shall have power to suspend and expel pupils for cause; provided, that an appeal shall lie to the Board of County School Commissioners, whose decision shall be final.

Living remote from.

56. Children living remote from the school of the district in which they reside may attend school in an adjoining district, with the consent of the Boards of the respective school districts.

ARTICLE XLIII.—*Health.*

Duty of teachers as to vaccination of pupils.

31. No teacher in any of the Public Schools of this State shall receive into such school, as a pupil, any person who has not been successfully vaccinated; and it shall be the duty of all teachers in the Public Schools, within ten days after the beginning of the fall term of said schools, and thereafter as new pupils shall enter such school, to ascertain and enroll on the vaccine register of said school the names of those pupils who may produce a certificate of a regular practicing physician of the county or city, as the case may be, certifying that the pupil has been successfully vaccinated, and also the names of those pupils who have been enrolled at any previous term in any school of the county or in the City of Baltimore, as the case may be, as successfully vaccinated pupils, whenever any such pupil shall present a certificate of such enrollment from the teacher of any such school. If any person shall apply for admission as a pupil in any of the Public Schools of this State who has not been successfully vaccinated, the teacher shall give the parents or guardian or other person having control of such pupil an order directed to any physician in the county or city, as the case may be, and requiring any regular physician to whom it may be presented to vaccinate such pupil and return a certificate of such vaccination when successful to the teacher giving such order. The County Commissioners of the several counties and the Mayor and City Council of Baltimore City, as the case may be, shall

Fee of physicians.

57. Every child, before being admitted to any public school, shall produce a certificate from a regular physician that he has been properly vaccinated.

Vaccinated.

CHAPTER X.—*Text Books.*

1872, ch. 377.

58. School books shall contain nothing of a sectarian or partisan character.

Non-partisan.

1904, ch. 584.

59. The Board of Public School Commissioners of Baltimore City and each Board of County School Commissioners shall adopt and purchase text-books for use in the public schools of said city and of the several counties of the State, as such new text-books are required, and when so purchased the necessary text-books shall be furnished free of cost for use in the public schools of the State, subject to the order of said Boards; but said Boards shall have the right at any time to change any series of text-books already in use or hereafter adopted; provided, that text-books shall be furnished under the provisions of this Act to the several grades in the public schools successively, beginning with the first grade; and provided, that the said Board shall not be required to expend during

Purchase text-books.

Free text-books.

Power to change text-books.

pay or cause to be paid to the physician performing the service on such order the sum of fifty cents for every such successful vaccination on the presentation of the order and certification of the teacher that such vaccination has been performed; provided, that in the counties or in the City of Baltimore, when vaccine physicians are appointed or contracts made with certain physician by the proper authorities for the vaccination of all children of persons who may apply free of charge to the person applying, the provisions of this section providing for the payment of physician's certified orders of teachers shall not apply. Any teacher neglecting or refusing to comply with the provisions of this section shall, on conviction thereof, before any justice of the peace having jurisdiction over said offense, be fined ten dollars for each and every offense. And no Public School Trustee or Commissioner shall grant any permit to any person who has not been successfully vaccinated to enter as a pupil any Public School under the same penalty.

Proviso.

Penalty.

Supply free
books by
grades.

any school year for said text-books more than the several amounts of money received by said Boards respectively under the provisions of this Act; and provided, that indigent pupils of all grades shall receive text-books free of cost, as provided under provisions of existing laws; and provided, the said respective Boards shall adopt means for the purchase of text-books by competitive bidding, and at the lowest possible price; and provided, that parents or pupils may purchase their own text-books where they may think proper; and provided, further, that the several Boards of County School Commissioners shall furnish annually to the State Board of Education the title, the name of the publisher and the net price paid for each text-book so purchased, which information shall be set forth in full in the annual report made to the State Board of Education.

Report to State
Board.

1870, ch. 311.

To provide for
issuing free
books.

60. The said several Boards shall authorize the delivery of text-books to the various Public Schools under their supervision respectively, and shall provide for the issuing, safe-keeping, care and return of the same under such rules and regulations as they may severally adopt.

1904, ch. 584.

Account of ex-
penses.

61. The said several Boards shall keep an account of all moneys expended under the provisions of this Act, and report the same in the annual financial account, as required by law; and no money so received by them shall ever be used for any other purpose than for the purchase of school books, as provided by the two preceding sections; except in such counties where there may remain a surplus after the purchase of necessary text-books, the Boards may expend such surplus amounts in the purchase of maps of the State of Maryland and supplementary reading books for pupils.

1900, ch. 300.

State appropri-
ation.

61A. The sum of one hundred and fifty thousand dollars is hereby appropriated to be paid by the State Treasurer upon the warrant of the Comptroller, on the first day of August, 1902, and annually thereafter,

to be expended, or so much thereof as may be necessary for the purchase of text-books, as provided in this Article. The whole of said sum shall be apportioned by the Comptroller in the month of July of each and every year, according to and based upon the total number of different pupils enrolled, as disclosed by the statistics of the report of the State Board of Education for fiscal year ending July 31st, 1901, and he shall immediately thereafter notify the Treasurer of the several Boards of County School Commissioners of the counties and the City of Baltimore of the amount thus found to be due to each, and the same shall be paid to the Treasurer of the Board of School Commissioners of Baltimore City and the several counties, upon the draft of the President and Secretary of the several Boards of County School Commissioners and the City of Baltimore aforesaid.

Apportion-
ment.

CHAPTER XI.—*County Superintendent.*

1872, ch. 377.

62. It shall be the duty of the County Superintendent to examine candidates for the profession of teacher, in the presence of at least one member of the Board of County School Commissioners, or one or more of the District Trustees, and to give to such persons as are found qualified, under the sanction of the Board at its next meeting, a certificate setting forth the branches such persons are competent to teach; but no certificate shall be granted without satisfactory evidence of the moral character of the applicant.

Examine can-
didates.

1904, ch. 584.

63. The certificate issued by each County Superintendent shall be numbered and registered in a book kept by the Board of County School Commissioners, and be delivered to their successors in office, and shall be denominated first or second grade, as the case may be, and the State Board of Education shall keep a book in the same manner as the County Superintendent; certificates of the first grade shall embrace orthography, reading, writing, arithmetic, geography, United States history, English grammar, bookkeeping,

Registered.

algebra, natural philosophy, physiology, plane geometry (four books), general history, National and State Constitutions, theory and practice of teaching, and the laws and by-laws of the Public School system of Maryland; and those of the second shall embrace orthography, reading, writing, arithmetic, geography, United States history, English grammar, history of Maryland, Constitutions of United States and of Maryland, physiology, algebra (to quadratics), theory and practice of teaching, the laws and by-laws of the Public School system of Maryland; such a certificate held by a person who obtains a school within six months from the time the certificate was issued shall not continue in force longer than six months after acceptance of the position of teacher, unless the persons holding the same shall satisfy the County Superintendent of his or her fitness for governing a school, and his or her ability to impart instruction in the various branches taught in the public schools; but when the County Superintendent shall satisfy himself upon these points, he shall be empowered to issue a certificate, which shall continue in force for five years, unless revoked for cause; a person holding such certificate, who fails to obtain a school within six months after issuance of same, shall not be required to pass another examination in the same county for fifteen months from date of granting the certificate.

School Board vs. Wagaman, 84 Md., 161.

1872, ch. 377; 1894, ch. 378.

Certificates not granted.

64. No certificate of qualification as a teacher shall be issued to any male under nineteen years of age, or to any female under eighteen years of age.

Examinations.

65. The County Superintendent shall hold regular examinations of teachers at such times as the Board may direct, of which due notice shall be given in the newspapers, or otherwise. No Superintendent shall be allowed to charge any fees for the issuing of certificates to teachers; and if any Superintendent shall be found guilty of charging or receiving any fee or reward directly or indirectly for issuing any certificate to a teacher, he shall be dismissed from office.

1904, ch. 584.

66. It shall be the duty of the County Superintendent, or his assistant, at least three times in each year, to visit the schools in his county, if it contains sixty teachers or less, and twice a year in counties having more than sixty and less than one hundred and seventy-five teachers, and once a year in counties where there are more than one hundred and seventy-five; he shall observe the methods of the teachers and give him or her such practical suggestions as circumstances may prompt; he shall, whenever possible, attend public examinations and report quarterly in detail the result of his observation through the Board of County School Commissioners. In counties where the number of teachers shall exceed one hundred and seventy-five, the Board of County School Commissioners may, in their discretion, appoint an Assistant County Superintendent.

County superintendent.

1872, ch. 377.

67. The Secretary and Treasurer of the Board of County School Commissioners shall give bond to the State of Maryland, with at least two securities to be approved by the said Board, in such penal sum as the said Board shall determine, with the condition that he will faithfully perform the duties of Secretary and Treasurer, pay over and apply all moneys that shall come to his hands or care as Treasurer to such persons and in such manner as said Board may, under the provisions of this Article, direct; and that he will keep a full account of all moneys received and paid by him, and all matters relating to the duties of his office, and preserve the same and all vouchers relating thereto, and deliver up all books and vouchers relating to his office to his successor, which said bond, when executed, shall be filed in the office of the Clerk of the Court for the county. He shall be present at every meeting of the Board, and may debate any question before them, but shall have no vote. He shall keep the minutes and conduct the correspondence, and shall duly file away and safely keep all letters, reports and other papers pertaining to the business of the Board. He shall prepare and submit to the Board for their adoption the annual report to the State Board of Education.

Officers to give bond.

Duties of secretary.

Bond to be filed.

Howard vs. Hill, 88 Md., 119.

1890, ch. 511.

Other Security. 67A. In lieu of the security provided for in the last preceding section, the said bond may have the security of any deposit or trust company, or other similar company, duly incorporated under the laws of this State, and having by law the power to act as such security.

1872, ch. 377.

To devote their whole time. 68. The person or persons acting as Secretary, Treasurer and County Superintendent, under the provision of this Article, shall devote their whole time to Public School business, and shall receive such compensation as the Board of County School Commissioners may direct.

Notify the Comptroller. 69. The Superintendent of each county shall, on or before the fifteenth day of January in every year, notify the Comptroller how many months the schools of his county have been kept open.

CHAPTER XII.—*State Normal Schools.*

1904, ch. 584.

Location of State Normal Schools. 70. There shall be located in each of the Cities of Baltimore and Frostburg, a State Normal School for the instruction and practice of teachers in the science of education, the art of teaching, and the mode of governing schools; the said schools shall be under the control of the State Board of Education, who shall appoint the principals and necessary assistants; the salary of the principal of the Maryland State Normal School of Baltimore shall be twenty-five hundred dollars per annum.

1904, ch. 584.

Faculty. 71. The faculty of each State Normal School shall consist of a principal and as many teachers as shall be determined by the State Board of Education, who shall be appointed by said Board, and have such salaries and perform such duties as said Board shall direct.

1900, ch. 498.

72. The sessions of the State Normal School shall be determined by the State Board of Education; provided, that the school shall be open for not less than nine months in each year.

Time shall be kept open.

1904, ch. 584.

73. There shall be maintained in each State Normal School and Normal Department receiving State aid a two years' normal or professional course, in which common school branches may be studied and reviewed and in which special emphasis is given to professional subjects, including the history of education, school organization, methods of teaching and such other pedagogical subjects as the State Board of Education may prescribe. Students of both sexes shall be admitted to the normal course—females at the age of sixteen years and males at the age of seventeen years; provided, such applicants satisfy the requirements of admission and hold scholarships from a Board of City or County School Commissioners, or receive appointment from the State Board of Education, as hereinafter to be provided; the State Board of Education is authorized and empowered to arrange and prescribe for each State Normal School or Normal Department receiving State aid, an academic or preparatory course, and shall prescribe such qualifications of age and scholastic attainments as it may deem proper. The students of the State Normal Schools and Normal Departments receiving State aid shall be apportioned by the State Board of Education, among the several counties and the City of Baltimore, in proportion to their respective representation in the General Assembly of the State; the students shall be selected by the several Boards of County School Commissioners and the Board of Commissioners of the Public Schools of Baltimore City from among worthy persons who may possess the necessary scholastic qualifications, namely scholarship equal to graduation from approved high schools for the normal course, and scholarship equal to completion satisfactorily of the seventh year grade of our Public School curriculum for the academic course; applicants for scholarships must file their application for

Normal or professional course.

Students.

Declaration. scholarship, and also with the State Board of Education, a written declaration that their object in obtaining admission is to qualify themselves as Public School teachers, and that it is their intention to engage in the profession in this State; whenever it is possible to do so, the Board of County School Commissioners and the Board of School Commissioners of Baltimore City shall appoint an alternate for each person who may receive a scholarship, and if for any reason such person who was awarded the scholarship does not use or accept the same, or for any reason fails to become a student of the Normal School or Normal Department, then the person appointed as alternate shall be entitled to the privileges of such scholarship. If there be not applicants sufficient from any county or the City of Baltimore, then the State Board of Education may fill all vacancies by selecting applicants possessing the requisite qualifications from any portion of the State, in the proportion aforesaid.

Alternate.

Proviso. 74. In addition to the students admitted from the counties and the City of Baltimore, who shall enjoy the privileges of the school and be furnished with the use of the text-books free of charge, there may be admitted, in the discretion of the State Board of Education, to the full capacity of the State Normal Schools or Normal Departments such other persons as may possess the requisite qualifications, who shall pay the sum of twenty-five dollars per session and be subject to the same rules and regulations as the other students.

Course of study. 75. The State Board of Education shall prescribe the course of study for the State Normal Schools and Normal Departments receiving State aid, which shall be uniform as far as is practicable, and supervise such schools and departments in every particular not provided for in this Article; they shall make arrangements for practice teaching, and may organize and maintain model and experimental schools as a part of the Normal School or Normal Department when deemed best, in which students of the normal course shall have opportunity to teach and practice the modes of instruction and discipline inculcated in the Normal School or Normal Department.

76. The annual sum of twenty thousand dollars is hereby appropriated for the support of the Maryland State Normal School, located in the City of Baltimore; the annual sum of seven thousand dollars is hereby appropriated for the support of State Normal School No. 2, located at Frostburg, and the annual sum of forty-five hundred dollars is hereby appropriated for the support of the Normal Department of Washington College, located at Chestertown—these appropriations to be paid in quarterly instalments by the Treasurer, on the warrant of the Comptroller, to the State Board of Education, and to be applied to the payment of teachers' salaries, clerical assistance, the purchase of school apparatus, text-books, fuel, stationery, light and other necessary expenses in maintaining such schools and normal departments; a further sum of one thousand dollars annually for repairs is hereby appropriated for the Maryland State Normal School of Baltimore.

Support of

77. All donations^d or bequests of money or personal property and all grants or devises of lands for the benefit of any State Normal School or Normal Department shall be held in trust by the State Board of Education.

Donations.

78. The State Board of Education shall, on or before the first day of January, in each and every year, make a report to the Governor of the condition of the schools of the State; a statement of the apportionment of money to the counties and the City of Baltimore, for the support of schools; an abstract of the reports received from the Board of County School Commissioners, together with such suggestions for the improvement of schools and the advancement of public education as the State Board of Education shall deem expedient.

Report to the
Governor.

79. The Governor shall cause three thousand copies of said report, five hundred to be bound in cloth, to be printed and distributed during every year.

Governor to
have printed.

1906, ch. 356.

80. A Teachers' Institute, to continue not less than five days, shall be held for each county once a year,

Teachers' In-
stitute.

Counties may
combine.

and in the absence of the State Superintendent the County Superintendent shall preside. Two or more counties may combine and hold a joint Institute.

1872, ch. 377.

Fix time of
holding.

81. The State Superintendent of Public Education shall fix a time of the meeting of the institute, and it shall be the duty of the County Superintendent to notify each teacher of the time and place of meeting, and when so notified, each teacher in actual employment is required to attend; the President of the School Board shall select the place for the institute to meet.

Design of.

82. These institutes, being designed as temporary Normal Schools, shall be attended by the State Superintendent, when possible to do so, and by one or more instructors of a State Normal School or Normal Department faculty, to be selected by the State Superintendent and the principal of the school, and any member of the Board of County Commissioners who may choose to attend.

Select the
place.

83. The members of the State Board of Education and the members of the County School Boards shall encourage the work of the Maryland State Teachers' Reading Circle, which was organized by the Maryland State Teachers' Association, and which, according to Chapter 323, Laws of 1890, is a body politic and corporate, and provides: That the corporation created by this Act shall have power to organize, manage and direct a State Teachers' Reading Circle.

CHAPTER XIV.—*Teachers' Associations.*

1872, ch. 377.

Teachers' As-
sociations.

84. District, County and State Teachers' Associations are recommended as important means of elevating the standard of public education by mutual conference, interchange of views and suggestions as to systems of teaching and discipline.

Organization.

85. It shall be the care of the County Superintendent to aid in the organization of these associations, to encourage attendance, to secure competent lecturers, and

to impart such information as will encourage teachers in their work and fit them for the performance of their duties.

86. These associations may occupy any of the school houses.

May occupy
schoolsbuild-
ings.

Chapter 323, Laws of 1890, makes the Maryland State Teachers' Association a body politic and corporate, and provides:

Incorporation.

That the corporation created by this Act shall have power to organize, manage and direct a State Teachers' Reading Circle, and adopt therefor a course of study in general pedagogy, general literature, etc., and to grant to such members as shall satisfactorily complete the first year's course of study, and the second year's course of study, and the third year's course of study, a certificate to that effect; and to such members as shall satisfactorily complete the full course of study, the association may grant the honorary degree of Master of the Science of Teaching; and to teachers of learning, merit and acknowledged professional skill, the association may grant, by and with the advice and consent of the State Board of Education, the honorary degree of Doctor of Pedagogy.

Reading Cir-
cle.

Degree.

CHAPTER XV.—*District Libraries.*

1904, ch. 584.

87. For the further encouragement of education, district libraries ought to be established in each school house district under the care of the teacher, as librarian; for this purpose the sum of ten dollars per annum is ordered to be paid by the Board of County School Commissioners out of the State School Fund, to any school house district as library money, as long as the people of the district raise the same amount annually; the books must be selected by the Board of District School Trustees and Teachers from a list to be furnished by the State Board of Education.

District Li-
braries.

1872, ch. 377.

87A 87M. These sections provide for the establishment, maintenance and regulation of public libraries by the governing Board of any municipality incorporated under the laws of this State; since these sections confer no power upon the school authorities of the State they are not inserted.

Sections not
inserted.

STATE LIBRARY COMMISSION.

1902, ch. 247.

Library Commission.

That the Governor shall biennially appoint four persons, at least two of whom shall be women, who, with the State Librarian, Superintendent of Public Instruction and Librarian of the Enoch Pratt Free Library, shall constitute a State Library Commission.

Duties of Secretary and Treasurer.

That said Commission shall annually elect from their own number a President and Secretary, who, with the other members of the Commission, shall serve without pay, but the necessary traveling expenses of the Commissioners in attending upon the meetings of the Commission or its business away from their homes may be paid out of the fund hereby appropriated. The Secretary shall also act as Treasurer of the Commission, and all its money shall be deposited in a national bank to be designated by the Commission, and shall be drawn only by order of the Commission and upon the joint check of the President and Secretary.

Organization of libraries.

That said Commission shall give advice and consent to all free libraries and Public School libraries in the State, and to all committees proposing to establish them, as the best means of their establishments and maintenance of the selection of books, cataloguing, and other details of management. The Commission may also send its members to aid in organizing new libraries or improving any already established; and said Commission shall annually report to the Governor in the month of December, a full and complete account of its doings, and of its receipts and expenditures in detail.

Traveling libraries.

That said Commission shall, as soon as practicable, organize and conduct traveling libraries throughout the State; and in addition to the books given to or bought by the Commission for this purpose, they may use such miscellaneous books (not including reference or other books inappropriate for the purpose) from the State library, as may be designated by the State library committees.

That said Commission shall formulate such reasonable regulations for the use and care of the books of such traveling libraries as they may deem proper, and shall from time to time send out and distribute such books throughout the State, and at suitable intervals change such distributions so as to secure the greatest practicable advantage and facility for reading to the people of the State.

Library regulations.

That immediately upon the organization of said Commission the State Treasurer shall, upon the warrant of the Comptroller, pay to the President of the Commission the sum of one thousand dollars, and annually thereafter shall so pay the like sum of one thousand dollars, for the use of the Commission.

Appropriation for commission.

CHAPTER XVI.—*City of Baltimore.*

1871, ch. 377; 1884, ch. 2.

88. The Mayor and City Council of Baltimore shall have full power and authority to establish in said city a system of free Public Schools, which shall include a school or schools for manual or industrial training, under such ordinances, rules and regulations as they may deem fit and proper to enact and prescribe; they may delegate supervisory powers and control to a Board of School Commissioners; may prescribe rules for building school houses and locating, establishing and closing schools, and may in general do every act that may be necessary or proper in the premises.

The City of Baltimore.

M. & C. C. of Baltimore xs. Wetherby, 52 Md., 442.
Hooper vs. New, 85 Md., 581.

1872, ch. 377.

89. The Board of Commissioners of Public Schools of Baltimore City, or by whatever name the body may be known that has supervisory powers and control over the Public Schools of Baltimore City, shall have power to examine, appoint and remove teachers, prescribe the qualifications, fix the salaries, subject to the approval of the Mayor and City Council, and select text-books for schools of said city; provided, such text-books shall contain nothing of a sectarian or partisan character. The Board of Commissioners

Power to examine, appoint and remove.

Proviso.

of Public Schools of said city shall annually make a report to the State Board of Education of the condition of the schools under their charge, to include a statement of expenditures, the number of children taught, and such other statistical information as may be necessary to exhibit the operations of the schools.

Hooper vs. New, 85 Md., 581.

Protection of
school-
houses.

90. The Mayor and City Council of Baltimore shall have power and authority to make all ordinances for the protection of the school houses and property, and to punish any person who may disturb the sessions of said Public Schools.

To levy and
collect taxes.

91. The said Mayor and City Council are hereby authorized and empowered to levy and collect upon the assessable property in said city, as other taxes are levied and collected, such amount of taxes as may be necessary to defray all the expenses incurred for educational purposes by said Mayor and City Council.

CHAPTER XVII.—*High Schools.*

1872, ch. 377.

May accept
building for
high schools.

92. It shall be the duty of the Board of County School Commissioners, when any election district or any contiguous election districts shall present a building for a high school in said district or districts, to the Board of County School Commissioners, to accept the same (if in the judgment of the Board there is any necessity therefor), and thereafter provide for the maintenance of a high school in said district or districts, and the salaries of teachers, out of the general school fund.

Wiley vs. School Comm., 51 Md., 403.

Board of High
School Com-
missioners.

93. If the high school be established by a district or districts, the Board of County School Commissioners shall appoint three persons, who shall constitute a Board of High School Commissioners, and exercise like authority over said school as hereinbefore provided for Boards of District School Trustees; but

high schools established by the county shall be under the direct control of the Board of County School Commissioners.

1904, ch. 584.

94. The State Superintendent shall furnish the State Board of Education annually a list of approved high schools of the State, and the said State Board shall designate the State Superintendent, a principal of one of the State Normal Schools, or a member of the State Normal School faculty, to visit annually and examine such schools and report in writing to the State Board of Education; such high schools shall also be visited at least once in each school term by the County Superintendent, who shall report quarterly to the Board of County School Commissioners the result of his observations.

Visited and examined.

1872, ch. 377.

95. If practicable, military tactics may form a department in every high school.

Military tactics.

CHAPTER XVIII.—*Schools for Colored Children.*

1906, ch. 404.

96. It shall be the duty of the Board of County School Commissioners to establish one or more Public Schools in each election district for all colored youths between six and twenty years of age, to which admission shall be free, and which shall be kept open as long as the Board of County School Commissioners shall determine; provided, the colored population of such district shall warrant said Board in establishing said schools.

Colored children.

1870, ch. 311; 1872, ch. 377, sub-ch. 18, sec. 2; 1874, ch. 463.

97. Each colored school shall be under the direction of a Special Board of School Trustees, to be appointed by the Board of County School Commissioners, and shall be subject to the same laws for its government and furnish instruction in the same branches as the schools for white children.

Trustees.

1904, ch. 584.

Appropriation.

*98. The Comptroller shall not apportion any separate fund for the colored schools; but colored schools shall be supported and maintained from the general school fund, the apportionment of which shall be hereinafter provided for.

1902, ch. 306.

An Act to provide for the compilation of data from the Census Reports and Returns of 1901.

WHEREAS, Chapter 3 of the Acts of 1901 failed to provide for the compilation of the population between the ages of five and twenty in the several counties and City of Baltimore; and

WHEREAS, Sections 98 and 102 of Article 77 of the Code of Public General Laws provide that the school tax shall be apportioned by the Comptroller among the several counties and City of Baltimore in proportion to their respective population between the ages of five and twenty; and

WHEREAS, The best interest of the State demands that the said Public School tax shall be apportioned upon the basis of the State census of 1901; now therefore

Appointee.

SECTION 1. Be it enacted by the General Assembly of Maryland, That in order to carry out the provisions of this Act, the Governor be and he is hereby authorized to appoint some competent person or persons whose duty it shall be to ascertain and compile forthwith the population in the various counties and City of Baltimore between the ages of five and twenty, as returned by the Superintendent of the Census under Chapter 3 of the Acts of the extraordinary session of 1901, and to certify to the Governor the number of white and colored persons in the various counties and City of Baltimore, respectively, between the ages of five and twenty; provided, said compilation shall be made and returned to the Governor not later than May 25th, 1902.

Duty of appointee.

*Refer to special Act, 1902, ch. 306.

SEC. 2. And be it enacted, That it shall be the duty of the Governor, upon the receipt of the compilation aforesaid to certify the same to the Comptroller of the Treasury, which compilation shall be the basis of the apportionment of the Public School tax by said officer.

SEC. 3. And be it enacted, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the provisions of this Act, and the Comptroller is authorized upon the requisition of the Governor to draw his warrant upon the Treasurer for the said sum of fifteen hundred dollars, or so much thereof as may be necessary.

Appropriation.

1872, ch. 377.

99. The total amount of taxes paid for school purposes by the colored people of any county, or in the City of Baltimore, together with any donations that may be made for the purpose, shall also be devoted to the maintenance of the schools for colored children.

Taxes.

CHAPTER XIX.—*Sources of Income.*

1906, ch. 404.

22. The County Commissioners of the several counties of this State and the Mayor and City Council of Baltimore are directed to levy the State taxes to be collected according to law, and to be apportioned for the year 1907 and annually thereafter as follows: A tax of sixteen cents on each one hundred dollars to aid in the support of the public schools, to be distributed according to law among the several counties and the City of Baltimore, and the Comptroller of the Treasury shall levy the same State taxes on the shares of the capital stock of all banks, State and national, and other incorporated institutions and companies of this State, the shares of whose capital stock are liable by law to assessment and taxation.

Income.

1872, ch. 377.

101. The Treasurer, on the warrant of the Comptroller, shall pay to each of the counties and the City of Baltimore the proportion of the free school fund to

Treasurer to disburse.

which such city or county is entitled under the apportionment to be made by the Comptroller, as hereinafter provided; and he shall pay the same to the Treasurer of the Board of School Commissioners of Baltimore City and the several counties; and the several colleges and academies shall respectively receive the donations granted to them by any laws or resolutions of the General Assembly, subject to the conditions annexed thereto.

**Comptroller
apportion.**

*102. As soon as the Comptroller shall have received from the City of Baltimore and the several counties returns to the amount of the State school tax levied in each county and the City of Baltimore, he shall immediately thereafter apportion the amount of the whole levy to the several counties and the City of Baltimore, in proportion to their respective population between the ages of five and twenty years.

1904, ch. 584.

Time of.

103. On the first day of January, the fifteenth day of March, the fifteenth day of June, and the first day of October, in each year, the Comptroller shall apportion the amount of school tax received by the Treasurer among the several counties and the City of Baltimore, in proportion to the whole amount apportioned to each by the Comptroller; and he shall notify the State Board of Education and the Treasurer of the several Boards of County School Commissioners of the counties and the City of Baltimore, on the several days aforesaid; and the Treasurer shall pay the several amounts within ten days after said notification, upon the draft of the President and Secretary of the several Boards of County Commissioners aforesaid; provided, also, that if in any county the schools shall be kept open less than nine months of the year ending December 31, or any white teacher regularly employed who shall receive an annual salary of less than three hundred dollars, as hereinbefore provided for, the Comptroller shall withhold from said county the March instalment of the State school tax; that the provisions of Section 103 of this Act shall apply to Garrett County only in

**Notify parties
who are to
receive.**

Proviso.

*Refer to special Act, 1902, ch. 306.

so far as to oblige that county to keep its schools open seven and oen-half months, and pay its teachers a minimum salary of two hundred dollars per year.

104. In making the apportionments required by the preceding section, it shall be the duty of the Comptroller to equalize as far as may be possible the sums to be apportioned, so as to apportion and distribute the same amount, as far as may be practicable, on each of said days; and until otherwise expressly directed by law, the Comptroller shall charge to said fund and pay therefrom the annual appropriations that have been or may hereafter continue to be made for said State Normal Schools; and also the appropriation for the Colored Normal School; the salary of the State Superintendent of Public Education; the salary of the Clerk of the State Superintendent of Public Education, and the expenses of the State Board of Education.

Shall equalize.

What shall charge.

105. When the levy of any year shall have been collected, the Comptroller shall apportion among the several counties and the City of Baltimore the amount allowed on the levy for insolvencies and abatements, and shall transmit a statement of the same to the State Board of Education.

Insolvencies and abatements.

1882, ch. 429.

106. The Treasurer, upon the warrant of the Comptroller, shall annually pay, on the first day of April, to the School Commissioners of Anne Arundel County, the sum of four hundred dollars as an academy fund, in addition to the apportionment now received by them for such purpose; the said sum, when received by said Commissioners, to be paid to the Trustees of "Anne Arundel County Academy."

Anne Arundel county.

Miscellaneous.

1872, ch. 377.

107. Schools on or near the dividing line of two counties shall be free to the children of each county; and the Board of County School Commissioners of the respective counties shall have power to provide jointly for the maintenance of said schools.

Free to each county.

Held in trust,

108. Real and personal estate granted, conveyed, devised or bequeathed for the use of any particular county or school district, shall be held in trust by the Board of County School Commissioners for the benefit of such county or School District, and such grants and bequests shall be exempt from all State and county taxes.

Exempt from taxation.

109. Moneys invested in trust for the benefit of the Public Schools of any county or city shall be exempt from State, county or local tax.

Manual Training Schools.

1898, ch. 273.

Establishment provided for.

110. It shall be the duty of the Board of County School Commissioners, when a suitable building or room or rooms connected with one of the large graded schools or high schools, shall be provided by the county, or money sufficient for the erection of such building, or room or rooms, to accept the same (if, in the judgment of the Board, there is any necessity therefor), and thereafter to provide for the maintenance of a manual training school, or manual training department for said county, and the salaries of teachers and manual training instructors, out of the general School Fund and the State aid hereinafter provided.

State Board to have examined,

111. Whenever a manual training school or manual training department is opened in any county, the President and Secretary of the Board of County School Commissioners of said county shall report to the Secretary of the State Board of Education, and the State Board of Education shall, without delay, proceed to

County Commissioners, 1894, ch. 41.

ARTICLE XXV, SECTION 120. *The County Commissioners* in each county of this State, in their capacity of corporations, shall be and are hereby invested with full power to receive in trust, and to hold and control for the purpose of such trusts, all money or other property of whatsoever description which may hereafter be bestowed upon such corporations by will, deed or in any other form of gift or conveyance, in trust for purpose of education, and to provide, by resolution or otherwise, for the execution of said trusts in the mode prescribed by the will, deed or other instrument creating the same.

appoint the principal of the State Normal School, or one of the teachers in said school, well qualified for such service, to visit the school and give a certificate of approval of its condition and the plan upon which it is conducted; and thereafter the President and Secretary of the Board of County School Commissioners shall report to the Comptroller the condition of the school, the number of instructors and the number of pupils enrolled on or before the twentieth day of August in each year.

Certificate of approval.

Report to Comptroller when made.

112. The Comptroller of the Treasury, after receiving the certificate of approval concerning the County Manual Training School, or Manual Training Department, according to the provisions of Section 3, is hereby authorized and directed to issue his warrant upon the Treasurer of the State for the sum of fifteen hundred dollars, payable to the order of the Treasurer of the Board of County School Commissioners of the county filing the certificate of approval aforesaid, out of any moneys in the State Treasury not otherwise appropriated, on the first day of October in each year, for the support of said Manual Training School, or Manual Training Department.

Comptroller to issue warrant.

113. The County Manual Training School, or the Manual Training Department, and the school to which it is attached, shall be under the management and control of the Board of County School Commissioners.

Management.

114. It shall be the duty of the Board of County School Commissioners of each county in this State, whenever a suitable building or room or rooms connected with one of the colored schools of said county shall be provided by the county, to accept the same, if in the judgment of the said Board there is any necessity therefor, and thereafter to provide for the main-

Colored industrial schools to be established.

SEC. 121. The State's Attorneys for the several counties be and they are hereby charged with the duty of seeing that such trusts are carried into effect in their respective counties; and in case of any neglect on the part of the County Commissioners, it shall be the duty of the State's Attorney in the county in which such neglect occurs to cause proper proceedings to be instituted in the Circuit Court for said county to compel the execution of the said trust.

tenance of such number of separate colored industrial schools as in their judgment may be needed, and the salaries of such teachers as may be required for that purpose shall be paid out of the general school fund and the State aid hereinafter provided.

State Board to
have exam-
ined.

115. Whenever any such separate colored industrial school or schools are opened in any county, the President and Secretary of the Board of County School Commissioners of said county shall report the fact to the Secretary of the State Board of Education, and the State Board of Education shall without delay proceed to appoint a proper person well qualified for such service, to visit the said school or schools and give a certificate of approval of its condition and the plan upon which it is conducted, and thereafter the President and Secretary of said Board shall report to the Comptroller of this State the condition of said school or schools, the number of instructors and the number of pupils enrolled during school year last ended on or before the twentieth day of August in each year.

Certificate of
approval.

Report to
Comptroller
when made.

Comptroller to
issue war-
rant.

116. The Comptroller of the Treasury, upon receiving the certificate of approval concerning the County Colored Industrial School or Schools as aforesaid, according to the provisions of the next preceding section, is hereby authorized and directed to issue his warrant upon the Treasurer of the State for the sum of fifteen hundred dollars, payable to the order of the Treasurer of the Board of County School Commissioners of the county, upon the filing of the certificate of approval aforesaid, out of any moneys in the State Treasury not otherwise appropriated, on the first day of October in each year, for the support of said colored industrial school or schools, and thereafter the said industrial school or schools shall be under the management and control of the said Board of County School Commissioners.

Management.

Attendance
required.

117. No entire appropriation for the benefit of any Manual Training School, provided for under this subtitle, shall be paid as authorized, after the first annual appropriation, unless said school shall have had an average daily attendance of thirty scholars for the

preceding year; and in case said attendance shall fall short of said number, then there shall only be paid toward the maintenance of said school at the rate of fifty dollars for each scholar of its daily average annual attendance, to be determined by the report hereinafter required to be made to the Comptroller.

Amount to be
paid per pu-
pil.

118. No appropriation for the benefit of the Colored Industrial Schools of any county provided for under this sub-title shall be paid after the first annual appropriation, unless the average daily attendance at such school or schools shall have been, for the preceding year, at least thirty scholars; and in case said attendance shall fall short of said number, then there shall be paid to the Treasurer of the County School Commissioners maintaining said school or schools, only at the rate of fifty dollars a scholar for the daily average attendance of the same, to be determined by the report hereinbefore required to be made to the Comptroller.

Attendance
required.

Amount to be
paid per pu-
pil.

1902, ch. 418.

118A. The Superintendent of Public Education shall supervise and inspect the work of manual and industrial training done in the several counties of the State under the provisions of this Article, collect all necessary statistics pertaining thereto, and annually on or before the twentieth day of August, certify to the Comptroller the names of such counties as shall have complied with the provisions of said Article relating to such training, and such as shall for the ensuing year be deemed entitled to receive the appropriation or appropriations provided for in the preceding sections (specifically setting forth the amount to be paid to each of said counties); and upon the receipt of such certificate from the Superintendent of Public Education, but not otherwise, the Comptroller shall draw his warrant upon the Treasurer, payable to the order of the Treasurer of the Board of County School Commissioners of the county so certified as entitled to

Supervision.

SECTIONS 119 to 123 provide for the establishment of Farmers' Institutes. No powers being granted to or duties imposed upon the school authorities of the State by these sections, they are not inserted.

Date of making report.

receive the same, for the full amount of money so certified to be due to such county under the provisions of this Article; and the Superintendent of Public Education shall, on or before the twentieth day of August in each year, submit to the State Board of Education a full report of all matters pertaining to manual industrial training in such counties, and attach thereto a copy of the certificate filed by him with the Comptroller.

Establishment of manual training in high schools.

118B. The several Boards of County School Commissioners are hereby authorized to establish manual training schools and departments of manual training in connection with such number of graded or high schools in their respective counties as they shall deem expedient, and to distribute the money appropriated by this Article equitably among the manual training schools and departments of manual training so established, to the end that instruction in such branch may not be restricted to one locality in such county, but extended, as far as practicable, to the whole of such county; provided, that the instruction to be given in such schools or departments shall in all cases conform to the course or outline of such work prescribed or to be prescribed by the State Board of Education; and provided, that no part of the money appropriated by this Article for manual training shall be used for any other purpose.

All parts of said Chapter 273 of the Acts of 1898: (codified as Sections 110 to 118, inclusive, of said Article 77), inconsistent with the provisions of this Act, and only such parts thereof, be and the same are hereby repealed.

1904, ch. 584.

SEC. 2. *And be it enacted*, That wherever the word "Examiner" occurs in this Article it shall be construed to mean "County Superintendent;" and wherever the words "Assistant Examiner" occur they shall be construed to mean "Assistant County Superintendent."

MARYLAND SCHOOL LAWS.

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FREE SCHOLARSHIPS.

ST. MARY'S FEMALE SEMINARY,

ST. MARY'S COUNTY.

1868, ch. 193; 1896, ch. 61; 1898, ch. 379.

One scholar shall be taken from each of the counties and each of the three legislative districts of Baltimore City, and shall be selected by the Examiner and Boards of County School Commissioners of the respective counties, and the Board of Commissioners of Public Schools in Baltimore City, for the three legislative districts of said city, respectively, without recourse to a competitive examination, so that the most worthy and charitable may be selected; each pupil as selected to remain for the space of three years, if not dismissed by the Trustees.

ST. JOHN'S COLLEGE, ANNAPOLIS.

1878, ch. 315.

One scholar from each senatorial district of the State shall be educated free of charge for tuition, board, fuel, lights and washing, and shall be appointed by the Board of County School Commissioners of the several counties and City of Baltimore, by and with the advice and consent of the Senator in their respective counties and senatorial districts, after a competitive examination of the candidates for such appointments, who shall produce before the said Commissioners satisfactory evidence of their moral character, and of their inability or the inability of their parents or guardians to pay the regular college charges; provided, that no one of the said appointments shall be held by the same student for more than four years, unless the time of holding such appointment be extended by the faculty of the college, and that each student receiving such appointment shall pledge himself upon entering the college that he will continue a student thereof for the full term of four years, unless prevented by unavoidable necessity, and that he will teach school within the State for not less than two years, immediately after leaving college, or as soon thereafter as may be practicable.

WESTERN MARYLAND COLLEGE, WESTMINSTER.

1878, ch. 239; 1898, ch. 106.

One male student from each senatorial district of the State shall be educated free of charge for tuition, board, fuel, lights, and washing, and shall be appointed by the School Commissioners in said senatorial district, by and with the advice and consent of the Senator in their respective senatorial districts after a competitive examination of the candidates; provided, that the said appointment shall not be held by the same student for more than four years, and that each student receiving such appointment shall give his bond to the State of Maryland for such amount with such security as may be approved of by the president of said college, that he will teach school within this State for not less than two years after leaving college.

1898, ch. 106.

One female student from each senatorial district of this State shall be educated free of charge for board and tuition, and shall be appointed by the School Commissioners in said senatorial district, by and with the advice and consent of the Senator in their respective senatorial districts, after a competitive examination of the candidates; provided, that the said appointment shall not be held by the same student for more than four years, and that each student receiving such appointment shall give bond to the State of Maryland for such amount, with such security as may be approved by the president of said college, that she will teach school within the State for not less than two years after leaving college.

MARYLAND INSTITUTE, BALTIMORE CITY.

One free scholar shall be received from each county of the State and one from each legislative district of Baltimore City to be selected by the School Commissioners of the counties and Baltimore City, respectively.

WASHINGTON COLLEGE.

1906, ch. 204.

1. *Be it enacted by the General Assembly of Maryland,* That Sections 2 and 3 of Chapter 63 of the General Assembly of Maryland of 1896, entitled "An Act supplementary

to an Act for founding a college in Chestertown," passed at a session of the General Assembly of Maryland, 1782, Chapter 8, authorizing the establishing by the visitors and governors of said college of a Department of Pedagogy, be and the same are hereby repealed, and that said Section 3 of said Act of 1896 be and the same is hereby re-enacted with amendments, so as to read as follows:

3. The visitors and governors of Washington College may, in their discretion and in accordance with the provisions of Sections 11 and 12 of the original Act of incorporation, of which this Act is intended to be a supplement, authorizing the issuing to the graduates of this department who may have satisfactorily completed the prescribed course, and who have attained the age which is now or may be hereafter prescribed for teachers, under the public school law of Maryland, a certificate which, when signed by the State Board of Education, shall authorize the said graduate to teach for one year from the date thereof in any of the public schools of the State, established under the authority of the public school law of Maryland, and which said certificate, at the expiration of one year, upon the recommendation of any county superintendent of public schools, under whose supervision the graduate may have taught for eight months, shall become a permanent diploma, authorizing the holder thereof to teach in any of the public schools of the State, subject to the approval and regulation of the State Board of Education, in the manner governing diplomas issued by the other State Normal Schools of this State.

1896, ch. 188.

The Visitors and Governors of this college shall supply free tuition and books in the Normal Department to one indigent female student from each county of the Eastern Shore of Maryland, and such student shall present a certificate of appointment from the Board of County School Commissioners of the county from which she comes, and that she is a graduate of a Public School, and that she enters the college for the purpose of qualifying herself for a teacher in the Public Schools, and that she intends to engage in teaching within this State; and she shall sign an agreement to pay said college the sum of twenty-five dollars for each session she attends the Normal Department of said college, should she fail to teach in the Public Schools of this State, after having received a Normal School education at said college.

Any female graduate of any Public School on the Eastern Shore of Maryland shall have the privilege of competing for appointment to said scholarship by filing her written application to the Board of County School Commissioners for such appointment, together with a certificate that she is a graduate of a Public School of that county, and that she desires such scholarship for the purpose of qualifying herself for a teacher in the Public Schools, and her intention to engage in the profession of teaching within this State; and in case any such scholar should, after having received such Normal School education, fail to fulfill the conditions upon which she was admitted, she shall forfeit and pay the sum of twenty-five dollars for each session she attended the Normal Department of said college, to be collected as other debts are collected, and to be applied for the benefit of the Normal Department of said college.

1898, ch. 293.

That the Visitors and Governors of Washington College are authorized and directed to supply free tuition and free books to one male or female student from each and every county on the Western Shore of the State of Maryland, either in the Normal or Collegiate Department of said college.

Students wishing to secure the benefit of this Act shall file a written application for such scholarship with the Board of County School Commissioners of which county he is a resident, together with a certificate of his or her good physical health and good moral character; and said Board of County School Commissioners shall cause all such applicants to be examined on such subjects or studies as the principal of Washington College may suggest, and shall make the appointment after such competitive examination is held, and shall certify such appointment to the principal of said college in writing.

CHARLOTTE HALL SCHOOL.

1898, ch. 321.

Charlotte Hall School shall receive and give board and tuition, free of charge, to at least one student from each legislative district of the State during each scholastic year after the first day of September, in the year 1898, all such students to be received subject to the rules and regulations of said school,

and subject to dismissal therefrom for cause, in the discretion of the Board of Trustees thereof.

On or before the first day of September, in the year 1898, the several Boards of County School Commissioners shall each select one student from their respective counties, and the Board of Commissioners of Public Schools of the City of Baltimore shall select one student from each legislative district of Baltimore City, all such selections to be made by competitive examinations from among the youths who reside in the legislative districts for which they are respectively chosen, and who are or have been students in the Public Schools of such district, and the students so selected shall be entitled to the scholarships above provided for in Charlotte Hall School for terms of three years; and when the terms of such appointee, or any of them, have expired, or for any cause a vacancy occurs, or vacancies occur, in said scholarships, said respective Boards shall in like manner and from like classes choose other students to fill such vacancy or vacancies.

STATE NORMAL SCHOOL No. 2.

In the appropriation bill for 1899 there appears the following appropriation "for the erection of a building at Frostburg, Allegany County, to be known as State Normal No. 2, the sum of twenty thousand dollars, and for the support of said school when established, five thousand dollars annually, provided that the people of the town of Frostburg furnish the ground for the site of said building and deed the same to the State."

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State Normal School No. Two.



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